

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DARRYL GARDNER,  
Petitioner

v.

MICHAEL WENEROWICZ, et al.,  
Respondents

CIVIL ACTION

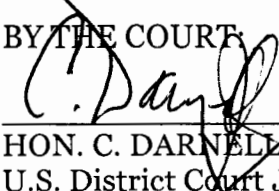
NO. 14-2903 **FILED SEP 01 2016**

**ORDER**

AND NOW this 31<sup>st</sup> day of Aug, 2016, upon consideration of Petitioner Darryl Gardner's petition for writ of habeas corpus (Doc. No. 1), the Commonwealth's response in opposition (Doc. No. 14), Gardner's Response (Doc. No. 15), and the Report and Recommendation of the Magistrate Judge Richard A. Lloret, it is ORDERED:

1. The Report and Recommendation of Magistrate Judge Richard A. Lloret is APPROVED and ADOPTED;
2. Gardner's petition for writ of habeas corpus (Doc. No. 1) is DENIED with prejudice;
3. No certificate of appealability should issue, because "the applicant has [not] made a substantial showing of the denial of a constitutional right[.]" under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that "reasonable jurists" would find my "assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and,
4. The Clerk of Court shall mark this file closed for statistical purposes.

BY THE COURT

  
HON. C. DARNELL JONES  
U.S. District Court Judge

**ENTERED**  
SEP 01 2016  
CLERK OF COURT